

MEMORANDUM

DATE: September 7, 1988

TO: Damon Wingfield *Agree*
Environmental Program Administrator
Waste Management Service

Through: R. Fenton Rood, Director *✓ Concur*
Solid Waste Division

FROM: Scott A. Thompson *SAT*
Environmental Specialist
Solid Waste Division

SUBJECT: Fansteel Metals Complaint

I have looked into this matter and I believe that this facility is not regulated by RCRA. I have not actually been to this site but Al Coulter has and he indicated that the only wastes which might be RCRA regulated are also radioactive and therefore regulated by the Nuclear Regulatory Commission (NRC). There are also wastes on this site which are exempt from RCRA because they are from the processing of mining ores. Attached is an August 10, 1987 memo from Guanita Reiter to Robert L. Deese which states this.

Superfund is also investigating this site and it does appear that there is at least some ground water contamination associated with the site. I spoke with David Cook of E.P.A. Region VI about this site and he suggested we meet and try to determine exactly where the jurisdictional boundaries lie regarding this site. I have not found any evidence that the NRC has been made aware of the problems at this facility. This situation is somewhat similar to the Kerr McGee facility at Gore where RCRA jurisdiction may overlap or be replaced by NRC jurisdiction.

I believe that the superfund investigation process would be an adequate mechanism to address the concerns of this complaint. I am not planning to actually go on site at this facility since I believe we do not have jurisdiction under RCRA. I think the best course of action would be for David Cook and I to meet and formulate a course of action to involve the NRC and any other state or federal agencies which may have jurisdiction.



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